

ORDER TO DISMISS CLAIMS AGAINST A123 SYSTEMS, INC. AND COUNTERCLAIMS OF A123 SYSTEMS, INC.

On this day, the Motion to Dismiss Claims Against A123 Systems, Inc. ("A123") and Counterclaims of A123 Systems, Inc., filed by Hydro-Québec ("HQ") and A123, came on for consideration, and the Court, being of the opinion that the motion is meritorious, hereby

ORDERS that the Motion to Dismiss Claims Against A123 Systems, Inc. is hereby granted and that:

All claims by Plaintiffs against Defendant A123 that have accrued as of December 31, 2011 are hereby dismissed with prejudice and without costs.

A123 has not sustained its burden of proving by clear and convincing evidence the invalidity of any claims of United States Patent No. 7,955,733 or of United States Patent No. 7,960,058. Accordingly, all claims in United States Patent No. 7,955,733 or of United States Patent No. 7,960,058 remain presumptively valid and enforceable.

HQ and A123 waive their right to appeal or otherwise seek relief from the order, which shall be final and binding upon the parties and shall finally resolve all claims in this action between HQ and A123.

SO ORDERED.

DATED: November , 2011

JANE J. BOYLE

UNITED STATES DISTRICT JUDGE